

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

MIAMI VALLEY FAIR HOUSING	:	Case No. 3:08-cv-150
CENTER, INC., <i>et al.</i> ,		
Plaintiffs,	:	District Judge Thomas M. Rose
		Magistrate Judge Michael J. Newman
-vs-		
	:	
STEINER & ASSOCIATES, INC., <i>et al.</i> ,		
Defendants.	:	

**REPORT AND RECOMMENDATION¹ THAT THE THIRD-PARTY CLAIMS
AGAINST THIRD-PARTY DEFENDANT ALPINE PLUMBING, INC. BE DISMISSED
WITH PREJUDICE**

On September 18, 2012, Defendants/Third-Party Plaintiffs Steiner + Associates, Inc., Bayshore Town Center, LLC, Greene Town Center, LLC, Zona Rosa Development, LLC, and Meacham & Apel Architects, Inc., and Third-Party Defendant Alpine Plumbing, Inc. jointly moved to dismiss their third-party claims against Alpine Plumbing with prejudice as a result of a settlement. Doc. 484. The movants advised the Court, pursuant to Local Rule 7.3, that their motion was unopposed. Further, no party has filed a response to their joint motion, and the time to do so has passed. Accordingly, the Court **RECOMMENDS** that:

(1) The unopposed joint motion of Defendants/Third-Party Plaintiffs Steiner + Associates, Inc., Bayshore Town Center, LLC, Greene Town Center, LLC, Zona Rosa Development, LLC, and Meacham & Apel Architects, Inc., and Third-Party Defendant Alpine Plumbing, Inc. (doc. 484) be **GRANTED**; and

¹ Attached hereto is a NOTICE to the parties regarding objections to this Report and Recommendation.

(2) Third-Party Defendant Alpine Plumbing, Inc. be **TERMINATED** upon the docket of this case, and the Clerk of Courts be directed to modify the docket sheet to reflect this dismissal.

October 23, 2012

s/ **Michael J. Newman**
United States Magistrate Judge

NOTICE REGARDING OBJECTIONS

Pursuant to Fed. R. Civ. P. 72(b), any party may serve and file specific, written objections to the proposed findings and recommendations within **FOURTEEN** days after being served with this Report and Recommendations. Pursuant to Fed. R. Civ. P. 6(d), this period is extended to **SEVENTEEN** days because this Report is being served by one of the methods of service listed in Fed. R. Civ. P. 5(b)(2)(B)(C), or (D) and may be extended further by the Court on timely motion for an extension. Such objections shall specify the portions of the Report objected to and shall be accompanied by a memorandum of law in support of the objections. If the Report and Recommendations are based in whole or in part upon matters occurring of record at an oral hearing, the objecting party shall promptly arrange for the transcription of the record, or such portions of it as all parties may agree upon or the Magistrate Judge deems sufficient, unless the assigned District Judge otherwise directs. A party may respond to another party's objections within **FOURTEEN** days after being served with a copy thereof. Failure to make objections in accordance with this procedure may forfeit rights on appeal. *See United States v. Walters*, 638 F. 2d 947 (6th Cir. 1981); *Thomas v. Arn*, 474 U.S. 140 (1985).